

# **EXHIBIT B**

**Technical commission # 0317-2005**

Reference is made to your commission received by us, the Norwegian Patent Office, on April 27, 2005, where you request that we investigate what is common practise, related to an invention which is a combination of your beta-(1,3,6)-glucan product and any particular antibody in order to fight cancer. In the same respect, you are interested in glucan made from barley. Furthermore, you mention that it is of great importance (this was surprising to us) that a synergistic effect is created when the glucan is administered orally and the antibody i.v. (f.e.). You suggested the combination of the following key-words: Oral administration, Glucan, especially barley and yeast, Administered w/ antibodies, Synergistic effect, Cancer.

Reference is also made to our telephone conversation on April 27, 2005, where we agreed upon a cost limit of NOK 5000. Should the commission not be finished upon the arrival of this price, we were to contact you. Additionally, we agreed that our office would find cited publication of significant interest for novelty and inventive step. We were to withhold our findings from the public and forward patent related literature and periodicals to you. You reported that the patent application on which this commission is based is International Application PCT/US02/01276. (WO 02058711). We gathered that the invention comprises oral administration of glucan simultaneous with i.v. administration of antibody in cancer treatment. Your findings show that oral administration works, and that the effect is possibly better than when the glucan is administered i.v. This is, however, somewhat uncertain, as the literature you refer to employed another (type of) glucan.

The commission was not concluded upon reaching the cost limit of NOK 5000, hence we contacted you by telephone on April 29, 2005. We agreed to expand the cost limit to NOK 8000.

**Conclusion**

The articles D1-D4 were published before the priority date of WO 02058711, and will therefore be applicable as cited publications. The summaries of these publications do, however, not indicate that they deal with antibodies.

The remaining literature from our search, D5-D12 and D15, are published posterior to the application, but we have enclosed them in case they might be of interest to you.

D14 is the application which is the base of this commission. D13 is a later application from the same applicant.

**The search****Databases**

With assistance from database host STN, searches were made in the following databases:

Ved hjelp av databaseverten STN har det vært søkt i følgende databaser:  
Registry (Copyright: American Chemical Society, USA)  
Medline (Copyright: U.S. National Library of Medicine, USA)  
Caplus (Copyright: American Chemical Society, USA)  
Biosis (Copyright: Biosis, USA)  
WPIX (Copyright: Derwent Information Ltd., UK)  
JAPIO (Copyright: Japanese Patent Office, Japan)  
USPATFULL (Copyright: US Patent and Trademark Office)

**Key words/phrases**

In Registry searches were made on the following chemical names: glucan, glucan phosphate, glucan sulfate, glucan sulfate sodium salt. These include among others: D-glucan, D-glucosan, glucan, glucosan, poly-D-glucan, polyglucan, polyglucosan, as well as different phosphate- and sulfate compounds.

Hits in Registry were transferred to other databases and combined with different combinations of the following key words: cancer? neoplas? neuroblast? tumor? tumour? carcinom? antibod? immun?

The search was then limited by combining it with either barley, yeast, oral or synerg?

This resulted in a little more than 200 titles which were assessed and limited to approx. 70 summaries that were subject to a more thorough evaluation.

#### Search results

- D1) Suzuki et al., 1989, International Journal of immunopharmacology, Vol 11, No 7, pp 761-769.
- D2) US 4761402 (Browder) 1988
- D3) US 4818752 (Browder) 1989
- D4) WO 9839013 (Germano) 1998
  
- D5) Cheung et al., 2002, Clinical Cancer Research, Vol 8, No 5, pp 1217-1223.
- D6) Cheung et al., 2002, Cancer immunology, immunotherapy, 2002, Vol 51, No 10, pp 557-564.
- D7) Papula et al., 2004, International Review of Allergy & Clinical Immunology, Vol 10, No 2, pp 59-61.
- D8) Allendorf et al., 2004, FASEB Journal, Vol 17, No 7, pp C128, print. (Meeting Info.: 90th Anniversary Annual Meeting of the American Association of Immunologists, Denver, CO, USA, May 06-10, 2003. American Association of Immunologists.)
- D9) Ostroff et al., 2003, Abstracts of Papers American Chemical Society, Vol. 225, No. 1-2, pp. AGFD 8, print. (Meeting Info.: 225th American Chemical Society (ACS) National Meeting, New Orleans, LA, USA, March 23-27, 2003. American Chemical Society.)
- D10) WO 2004021994 (Ostroff)
- D11) US 2004266726 (Yagita)
- D12) US 20040248772 (Yagita)
- D13) US 20040116379 (Cheung)
- D14) WO 2002058711 (Cheung)
- D15) Hong et al., 2004, Journal of immunology, Vol 173, No 2, pp. 797-806.

Apart from D1, D4, D6 and D7, which are sent on by regular mail as they solely exist in paper format, all enclosures are available electronically.

In addition, we enclose the International Search Report and the International Preliminary Examination Report for International Application WO 02058711, which this commission was based on.

Should you have further questions or comments to our search, please address the case handler by e-mail [ira@patentstyret.no](mailto:ira@patentstyret.no) or by phone +47 22 38 76 53.

Best regards,